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Agenda items 12 and 17

ELIMINATION OF ALL FORMS OF INTOLERANCE AND DISCRIMINATION BASED ON RELIGION OR BELIEF

PROTECTION OF MINORITIES

Note verbale dated 8 August 1995 from the Permanent Mission of the Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Permanent Mission of the Republic of Albania to the United Nations Office at Geneva presents its compliments to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and has the honour to request him to have the following text circulated as an official document of the forty-seventh session of the Sub-Commission, under agenda items 12 and 17. This text is the official response of the Government of the Republic of Albania to document E/CN.4/Sub.2/1995/40, circulated at the request of the Permanent Mission of the Federal Republic of Yugoslavia.

GE.95-13532 (E)

1. The policy of the Government of the Republic of Albania towards national minorities has always been guided by the desire to apply the most advanced international standards in order to guarantee their rights to the fullest extent possible. On the basis of the relevant international documents, the Albanian State has, repeatedly and on every occasion, shown its willingness to ensure that the rights of the minorities are enshrined in the new Albanian legislation and duly guaranteed in practice. Various observers for international organizations have already noted this to be the case.

2. In a spirit of realism and on the basis of the data available to the competent Albanian authorities, the Government of Albania finds the contents of the memorandum of the Federal Republic of Yugoslavia, distributed at the forty-seventh session of the Sub-Commission under the symbol E/CN.4/Sub.2/1995/40, to be unfair and erroneous.

3. The allegations contained in this memorandum are totally unrelated to the actual situation. They are aimed at presenting a completely distorted picture of reality. On the basis of the facts mentioned below, the Government of Albania considers that this action by the Belgrade authorities, beyond any humanitarian concerns, represents an attempt to conceal other designs. It is part of the same chauvinistic and nationalistic policy that has unleashed a merciless war, whose victims are now in the hundreds of thousands.

4. At a time when the Belgrade Government is the champion of the double standard, which is a recognized fact, and when the situation of the Albanians living in their own territories in Kosovo is becoming increasingly serious and disturbing, precisely because of the Serbian genocide and repression, this memorandum appears somewhat paradoxical.

5. As regards the facts described in the memorandum, the Albanian Government wishes to explain the following points:

(a) The term "Yugoslav national minority" used in the memorandum of the Federal Republic of Yugoslavia is not legally recognized;

(b) According to the most recent census of 1989, which is the only official source, the number of people having declared Serbian and Montenegrin nationality is extremely small (as the memorandum is forced to admit), i.e. 100 persons in all. Consequently, on the basis of the essential fact of their number, these individuals cannot be considered to represent a minority. No complaint to that effect has been filed with the Albanian authorities.

(c) The number of members of an association can never be considered to be equivalent to that of the persons belonging to a nationality.

(d) Albania has a complete set of laws on the question of the protection of human rights, which is in full conformity with international standards. The Albanian State has demonstrated, by its deeds, that it is fully prepared strictly to respect the human rights of all Albanian citizens, regardless of their nationality. A number of reports prepared by representatives of international bodies who have visited Albania bear witness to this willingness.

(e) The very existence, as shown by the census, of the associations mentioned in the memorandum, which even bear Slav names (the "Rozafa-Moraca Association" registered in Tirana, and the "Coexistence and Harmony" and "Zelena Gora" associations registered in Shkoder), attests to the tolerance and correct attitude of the Albanian State.

5. The Republic of Albania remains fully committed to respect for human rights and fundamental freedoms in conformity with the national legislation, and also its international obligations.